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MICHIGAN LAW REVIEW

VOL. V

DECEMBER, 1906

No. 2

SOME CONTRIBUTIONS OF PSYCHOLOGY TO THE CONCEPTION OF JUSTICE.¹

THE two general standpoints from which all attempts to define justice and rights proceed, are that of the individual and that of the social whole. From the standpoint of the individual, we have such principles as 'to every man according to his deserts,' or 'to every man according to his needs,' as well as the stubbornly surviving principle of natural rights, which is imbedded in our institutions even though discredited by philosophers. From the standpoint of society, we have the principle that justice means the determining of individual relations by the general order and the subordinating of individual to public interests. From the individualistic standpoint, rights come before justice. Rights are the positive factor; justice is merely a term for the sum of individual rights, or a negative restraint upon interference. From the other standpoint, right and justice come, logically, if not historically, before rights. Before I can say whether a claim is a right I must prove it to be just, to be right; but just and right are terms which historically spring from law and custom, and which logically imply a general standard or authority. The two standpoints are both employed by utilitarianism when it asserts, on the one hand, that every man is to count as one, and, on the other, that acts are right as they tend to the greatest happiness of the greatest number. They are curiously conjoined in the thinking of the man who claims for his own vested interests the utmost freedom and protection and at the same time condones child labor or the sweatshop or the extermination of a race, on the ground that "individuals must of course be sacrificed to the general progress."

¹ Read as the Presidential Address at the annual meeting of the Western Philosophical Association, at Madison, April 13, 1906. Published in *Philosophical Review*, Vol. XV, No. 4.

It is unnecessary to prove to a philosophical audience that neither standpoint by itself is adequate. An individual apart from his membership in a social rational order, has no rights, divine, natural, or any other. Conversely, a society may not fix its concepts of justice in such a fashion as to deny the worth of personality to any of its members, or to treat them merely as means. The controlling conception from which all principles of rights and justice must arise, is that which may be stated either as that of the social individual, or as that of the society which recognizes individuality. It is only the rational and social individual who has any rights; conversely, a society has a moral status only as it is the organized community of free moral persons who are willing, through it, a general good, and therefore setting up a general moral standard, the right. The unsocial individual may by cunning or wealth, "have a capacity of influencing the acts of another," to use Holland's phrase, "by means of the opinion or the force of society." But this gives him morally no rights. Society may pass laws which treat individuals as though they were less important than things, but this is not justice. It may neglect to provide for those aspects of individual development which are possible only through the general activity; if so, this is at best a justice which is immature and defective. In order to get a basis for settling any of the questions as to rights and justice which are now pressing upon us, we must therefore first of all, if possible, clear up the meaning of the conceptions 'social individual,' and 'a society which respects individuality.'

Just here, I take it, is the opportunity for psychology. I can imagine the reader of my title inquiring, What has psychology to do with justice? Does not psychology tell us what is, not what ought to be? Does it not illumine impartially the evil and the good? Does not its method fall with scientific impartiality upon the just and upon the unjust? My answer is: If justice deals with persons, then it is important first of all to know what a person is. If, in particular, justice needs to understand a social individual, then we must find out the nature and meaning of individuality. Psychology studies just these problems. When we appreciate our facts we shall be able to state more intelligently how to meet the situation which they constitute. What, then, has psychology to say which bears upon our problem? What is the nature of persons in general and of social persons in particular? The more important doctrines of psychology upon these problems seem to be the following:—

First, the individual is complex, not simple. The soul as simple substance has been banished from metaphysics; the individual as viewed by law and common sense is still relatively simple. The

complexity of the individual is a complexity of origin and of structure. Let us note each of these.

The individual is complex in origin. Physical heredity and variation, social heredity and more consciously directed education, and, finally, conscious volition, all contribute. While the share of each may be impossible of exact determination, it is none the less a reality. This excludes conceptions of purely materialistic determinism on the one hand, and of 'self-made' men on the other.

The individual is complex in structure. Instincts bred into the organism by the whole biological process, impulses which spring from a variable psychological and mental structure, other impulses due to suggestions from the complex environment, physical and social, come in time to be organized and controlled. We call this organized unit a person or an individual, but this is in many cases a fiction; in any case, complete control of all these urgent, conflicting, multiple interests and selves is an achievement, not a starting point. No one is definitely either bad or good in early years. Only the abnormal and pathological individual becomes so completely absorbed in one interest as to be incapable of responding to any other.

The second important doctrine of psychology for our purpose is that the individual is both habit and adjusting activity. On the one hand, there is continuity which forms the basis of responsibility; on the other, there is something new which means growth. On the one hand, there is a definite structure already built; on the other, there is the living process which refuses to be identified with the structure already organized, and points forward to the future. On the one hand, is the seemingly solid reality; on the other, the power of expanding life which is destined to condemn the present as outgrown.

The third doctrine of psychology which I select has various aspects, but they may all be brought under the head 'Forms without contents are empty.' The mind, the self, the person, the individual, is selecting, controlling, organizing, purposing, and willing activity; but it cannot operate *in vacuo*. We know that it has come into being in the biological process, only through selecting from a varied environment, and through control of muscular movements. I cannot, merely by taking thought, will to be wise, to control passion, to enjoy the refinement of civilization, any more than I can will to add a cubit to my stature. It is not merely that mind, individuality, personality have been developed in response to an environment; they are still dependent for the 'stuff' of thought, for the ideas which

make thought possible, both upon material furnished to sense and imagination and upon actual practice in motor control.

Fourth, and most directly important for the conception of justice, is psychology's doctrine of the individual as social. It had, indeed, long been a commonplace that the individual owes much to language, to parental care, to education, and to community life. But recent psychology has brought to clear recognition a much more fundamental relation. Conscious personal life gets its stuff, its technique of control, largely through suggestions from other persons. Language affords it the medium for enlarging its life to past and future, to abstract and general. Contagious sympathy broadens the capacity for feeling; home and all the later agencies of association both offer opportunity for impulses to find real development, and give steady support to the gradually forming will.

But the social origin of the person is less important than the social nature. On the material side, it is obvious that the individual of today depends upon countless of his fellows for his daily food and clothing, for opportunities to work, and for peace and security. All this, however, is but an external symbol of the social nature of his mental and moral life. He thinks in 'general' concepts and of objects; but this means, he thinks and interprets his experience, not as it feels to him privately, but as he can describe it to another, or as it would appear to anyone else. He exercises some rights; he owns a home or a coat. The legal right for this, of course, depends on society; but the very idea of 'my' and 'mine,' the very rudiments of personality, presuppose a 'your' and 'their' to give them meaning. It is needless to point out how the whole moral and religious life is a life in and through relations to others. Even the realm of feeling does not remain wholly private. For the moment we pass from a particular thrill of emotion to the objective valuing of beauty, we have taken a point of view which is not private but general. The world of science, art, commerce, law, morality, and religion is a social world. The individual may try to ignore certain aspects of these facts; but if he lives in any of these spheres, he can no more escape the social than he can escape his own person.

These considerations, however, would only exhibit the individual as involuntarily social. They say nothing explicitly as to the very essence of personality, the conscious will. In this respect the individual may or may not be social. He may take up into his purpose and will the whole social situation. If so, his will becomes a social will. Just to the extent to which he does this, will he become a completely social person. Just to this degree will his will not only

accord with right, but itself determine the right. Just to this degree will his claims, his interests, coincide with law.

Right and rights will be as one. This does not mean that the individual will cease to have any private interests, or to recognize any in others. A society of persons is not a series of facsimiles. The very essence of progressive society, as of advancing life, is that it includes a multitude of different people with different bent and talent. The very range and power of every individual in society is itself due to the fact that other and different individuals are breaking out new paths, opening new windows, pushing back the limitations from human experience, and building new interests. But, on the other hand, much of this originality and diversity which has in the past assumed unsocial or even antisocial forms will in the future find social channels for expression. Genius will not die with war; individuality is not dependent upon exclusive interests.

We turn now to the problems of justice and apply these psychological doctrines to a few typical situations: The problem of the just distribution of wealth, the just distribution of education and other mental goods, the administration of justice by the courts.

To begin with a brief note on the last. Corrective and criminal justice employs certain abstractions which are in part inheritances from a crude past, in part conceptions which have served a useful purpose and must in turn give way to a less abstract, more psychological point of view.

First, it makes that abstraction of all conditions except the bare act, of all circumstances of its litigants except the contract, the tort, or the crime, which we call equality before the law. Ancient law began with individual decisions passed by the old men or the chief. These were liable to be partial and arbitrary. It was a great gain when precedent and statute substituted uniformity and impartiality for caprice and favor. Equality before the law was in these respects a great advance from the inequality which it superseded. But when we consider how this actually works we may see that the abstract equality often gives real inequality. Forms without content are empty. "Is not the poor man at a hopeless disadvantage in court," I asked a lawyer, "in view of the resources which wealth may employ against him?" "No more so," said he, "than in every department of life!" The reply speaks for itself. The justice of the courts is no harder upon the poor man than are the other conditions of society!¹¹ The purely formal equality, impersonal and abstract, must

¹¹ I am indebted to my friend, Rev. F. E. Dewhurst, for a particularly clear statement of the progress of justice from the personal as affected by extrinsic conditions, through the impersonal, to the personal in its intrinsic nature as individuality.

give way in turn to a more personal and concrete equality if we are to have full justice,—full recognition of the individual.

Or again, consider the criminal as to his supposed freedom and responsibility. In the eye of the law he is a criminal or he is not; in committing the act he was free and responsible or he was not. Abstraction is made from all heredity and environment. This is certainly a case where forms without content are empty. Metaphysics used to discuss the problem of freedom in this purely formal way. Is man free? You answered 'yes' or 'no.' But the psychologist may see that freedom in any case is a matter of content as well as form. It is a matter of degrees, not of yes or no. Am I free to prefer Beethoven to 'rag time'? Certainly not, unless I have heard Beethoven. Is the boy of the slums free to think of things pure, noble, and of good report? Am I free to play a crack game of tennis? I must first learn the existence of a host of new muscular 'feels' before I can control and organize the movements. Is the boy coming to manhood free to control passions? Not unless he has ideas of genuine interest in something better to set over against passion; not unless he has had training in the actual resistance to passion and mastery of himself. Responsibility has gradually moved from the extremely abstract to the more concrete views. In early Germanic law the person was held responsible with little if any regard to his intent or personal agency. The owner of a weapon left for repair might even be held liable for a crime committed with it. A cart might be brought to trial and adjudged 'deodand.' The history of law has been a gradual introduction of a more psychological standpoint. That is, it has dealt more with the real man, less with a fictitious self analogous to the old metaphysical substances and essences; but there is still room for progress.

Finally, our criminal law, until recently, has abstracted from all but the self of the past, the self of the habit. It has taken no account of the self as activity. To treat any human being as though what he deserves is measured only by his deed, by what he has been or done, is as Professor Dewey has pointed out, to make a monstrous assumption. We may not ignore the past, but we must not ignore the future and its possibilities of reform and reshaping of life. The parole system is a step in this direction. The juvenile courts permit the judge to treat the boys and girls as real persons, not solely as abstract criminals. May we not hope, and shall we not, as philosophers and psychologists, labor for the wider recognition of individuality and full personality in all our criminal law,—for the banishing of abstractions which wrong humanity?

We come now to the problems of distributive justice. I shall not

discuss the question whether any private property is just. I for one want my own coat and my own shoes; and though I do not expect to own much else, this admits the principle. I must be able to control enough of my surroundings to do my work efficiently and live in decency, if not in comfort. But the just distribution of property,—that is another story. Our present system of distribution is not, of course, the product of any intentional plan by society to secure a just distribution. It is a combination of the old theory of *seisin* or possession with the theory of free bargaining. It is subject to some slight restraints, but these have been, in the main, intended to favor competition. It results in such vast inequalities that we no longer count our millionaires on the one hand, and, on the other, there are estimated to be in this most favored country ten millions of persons in poverty; that is, ten millions who cannot procure food and other necessities sufficient to keep them in full efficiency. In England apparently over twenty-five per cent are in this condition of want.

Few would say, if the total wealth of the country were placed in their hands for distribution: We will give the bulk of the whole to a small fraction, we will divide a lesser portion among a great many, and will leave a minute fraction to be distributed among a quarter of the people. The situation certainly seems to demand some justification.

Such justification is frequently attempted from the standpoint of society as a whole. "It depends on what use is made of the great fortunes. It may be to the advantage of society to have certain large accumulations which can be devoted to financing great industrial undertakings, supporting educational and philanthropic institutions, and fostering the arts." But this answer no longer satisfies society. It seems to neglect the individuals of which society is composed. Society is asking now, not only whether wealth is justly used, but whether it is justly acquired,—justly, that is, to the other individual members of society. The question: "Is it justly acquired?" may be proposed from two points of view.

1. The economic process may be considered as one in which individuals are to be treated by society on some supposedly moral principle. The theory here would be that, as society is made up of its members, it must have their real welfare at heart. Its justice will be so to distribute its goods as to recognize personality and promote it.

2. The other theory would be that the economic process is to be viewed solely as one of contracts between free and independent individuals. Society has no concern and takes no responsibility

except to enforce these contracts. It cares not whether they mean weal or woe. It views economic life purely as a game which is certain to enrich some and ruin others. Its justice is only to enforce the rules.

We will consider each of these theories. The first, which seeks some moral basis for the distribution of wealth, will naturally use either a principle of equality,—a fair field and no favors, free competition, free bargaining; or a principle of inequality,—to each according to his merits, or his efforts, or his needs.

Let us examine these maxims.

Equality we certainly believe in. Fairness, justice, seems to be in essence, equality. Indeed, both parties who object to 'equality' as a maxim are opposing not real equality, but an apparent equality which means real inequality. The individualist objects to equality of distribution because this would be treating men as if they were all alike. But to treat the useful and the useless alike is not equality. True equality is to treat usefulness alike and to give to equal units of utility equal rewards. On the other hand, the socialist,—and indeed every one whose eyes are open,—objects to so-called equality of competition on the ground that it is not real equality. It is treating the people as if they were all alike. But to treat the rich and poor, strong and weak, educated and uneducated, alike is not equality. Our psychological analysis shows the precise fallacies of both these supposed systems of equality. Either the bare equality of distribution or the bare equality of competition treats the person as an abstract unit,—the simple substance of old metaphysics. No system of justice can be adequate which rests on such an unreality.

We turn, then, to another set of maxims which aim at least at a less abstract conception of personality. 'To every man according to his deserts,' 'To every man according to his efforts,' and 'To every man according to his needs.' Each of these recognizes the complexity of personality. The psychological principle which exhibits the strength and weakness of the first and third of these maxims is the second. The self is both habit and ideal; both a structure and a reconstructing activity.

Evidently the first and third of these principles, as usually interpreted, seize each one half of this fact and ignore the other. 'To every one according to his deserts,' recognizes the continuity of mental life. But, as usually interpreted, it stops here. It treats men as if they were dead, as if their structure, their past, were the only things of importance. There is no quicker way to kill a man morally than to treat him as though he were already dead.

Moreover, as applied to the question of just distribution of wealth,

the maxim of reward according to deserts usually involves other psychological absurdities.

1. The first abstraction which this principle of reward according to merit usually makes is that it gives a man credit for all he achieves, or charges him with all his failures, without recognizing the three-fold origin of these achievements or failures. Heredity, society, personal choice, have each had some share in the result. But, in considering the ethics of competition from this maxim, there is evidently no attempt to discriminate between these several sources. The man born with industrial genius, presented by society with the knowledge of all that has been done in the past, and equipped by society with all the methods and tools society can devise, certainly has an advantage over the man of moderate talents and no education. To claim that the first should be justly rewarded for his superiority would imply that the reception of one gift constitutes a just claim for another.

2. Secondly, the maxim as applied to our present system is guilty of a further abstraction in assuming that the chief if not the only way to deserve reward is by individualistic shrewdness and energy.

3. It measures desert by service rendered without taking any account of motive or even of intent. The captain of industry performs an important service to society; therefore, it is argued, he should be rewarded accordingly, quite irrespective of the question whether he was aiming at social welfare or at selfish gain. It may even be plausibly argued that to reward men financially for good motives would be bribing men to be honest. I grant freely that financial rewards will not make good citizens, but this is irrelevant. The point is that whatever other reasons,—expediency, difficulty of estimating intent and motive,—may be urged for abstracting from everything but the result; the one reason which cannot be urged is, such abstraction is just. A person has rights only because he is a social person. But to call a man a social person because he incidentally produces useful results, is to say that purpose and will are negligible elements of personality.

The maxim 'To each according to his efforts,' corrects this last abstraction just reviewed. It is true to one aspect of personality—voluntary purpose. But this again is to be narrow. It ignores the element of the future. It is too apt to forget, in the second place, that even 'efforts' are not solely a matter of free choice. As pointed out in our first part, the efforts which a man makes are really to a great extent dependent on his training and environment. It therefore needs to be supplemented by the third maxim: 'To each according to his needs.'

This recognizes individuality in its aspect of possibility. It would give unfolding personality the chance to develop. This has sometimes been regarded as benevolence rather than as strict justice. But such a view assumes that the person has no claim upon the social whole as a constituent member, whose welfare is indispensable to the welfare of the whole. It assumes that the only basis of claim is what the member *has* done. The maximum 'to each according to his needs,' has a sound basis in the psychology of the living, growing person. But, if taken abstractly, if the continuity of the self is forgotten, the maxim cannot serve as a basis for distribution. It must be combined with the principle of continuity—the man's past is a part of his personality; it must be further modified by the conception of the social self—only those needs are rights which are in the interest of the social individual.

If, now, with this corrected conception of personality we ask whether our present distribution of property based on seisin and competition can be called just, we need not delay long. It evidently can make no pretence to be a distribution according to merit, effort, or needs. It can, therefore, make no pretence to be just in the sense that it recognizes full personality in determining rights.

We turn, then, to our second theory of society to see if it affords a basis on which we may consider the present distribution as at least not unjust. If we regard a contract or exchange as fair, if both parties agree to it,—irrespective of any other consideration,—then we may say that any system of distribution to which the parties consent is fair and just. Society names its conditions in the form of laws. Hence any individual who acquires property legally may be regarded as justly entitled to it. Or to put the same thing in another form: every one wants to receive for his labor or skill what it is worth, and conversely, when I want goods I should give what they are worth. Now, what better way of deciding the value of goods can be afforded me than by the test of what I am willing to pay? They are worth that *to me*. In other words, the law of supply and demand locates the measure of value, and therefore the whole control of property, in the free choice of individuals. What can be fairer than this? Both these statements of the theory make an abstraction in another form. Whether such law as obtains and such consent as exists have any value, depends on how the law was made, or whether the party to the supposed contract had any real alternative. If supply and demand were perfectly fluid, that is, if space and time, habit and training, responsibilities and duties, to say nothing of monopolies and black lists, had no existence,—then the theory would be more plausible, though it would still abstract from any larger

view of the individual than his present want measures. But, under conditions as they are, we must admit that the abstraction is a gross one. It is possible to say of a game: the players know the rules, and consent to them. They cannot complain if they do not win, nor need they feel unjust if they are successful. But in the game of the industrial process there is no option. One must play or starve. And usually there is no chance to consent to the rules. They are already made; and, when they are changed from time to time, it is not usually the loser who has the chief voice in the change. The world applauds a good loser, but when the player must stake not only his own welfare but that of wife and children, he can no longer greet its issues with the 'frolic welcome' of independence. To base the justice of our distribution of property upon naked, abstract consent,—whether we call it open shop, or freedom of labor, or free contract, or competition,—and take no care as to whether there is real freedom, whether there is real respect for personality, is too abstract a procedure to deserve the name of justice. It is more abstract and metaphysical than metaphysics ever was. We must ask: Does the system or law recognize the full individuality of its members, or does it deal only with fictions and abstractions?

In this full sense of justice, I think no one can fail to see not merely that our system is not just, but that no distribution of property is likely to be just. We may remove some of the inequalities, we may require decent sanitation and honest food, we may heed 'the bitter cry of the children,' handicapped by premature toil and indecent surroundings, we may give to all the best of education, we may even, if we please, attempt to restore equality by taking over as a community the land, or the means of production; but even then I believe no system of distribution in property can be devised which will be true to all the complex life of its members—which will be fully just.

Indeed, we may go on to say that the American people does not care very strongly that this is so. This may be due in some cases to a religious conviction that the social order—with all its inequalities is divinely ordained; in others, to an optimistic blinking of the facts; but I believe that there is a more widely operative reason. The American prefers an economic order in which there are prizes and blanks, to an order in which every man will draw out in proportion to what he puts in. He prefers an exciting game to a sure but tame return of his investment. He may call for a 'square deal,' but we must remember that 'a square deal' in the great American game from which the metaphor is taken is not designed to make the game less one of chance. It is designed to give full scope to luck and

nerve. A game in which every player was sure to win, but also sure to win just what he had put in, would be equitable, but it would not be a game. The American suspects that the measures advocated as giving juster distribution may somehow rob life of its excitement and its passion. Possibly he may even think that the very strain of the process develops some elements of character which he fears to lose. But whatever the motive, in the hope of better luck next time, or of a better start for his children, or in the very stress and struggle, he thinks little of the justice or injustice of it all. Psychology seems thus to lead us to a hopeless conclusion.

If life were wholly made up of exclusive interests, the outlook for any satisfying degree of justice would be hopeless. But it is good psychology as well as good scripture that man's life consisteth not in the abundance of the things which he posseseth. Many of the ends and interests in the complex life of humanity are not exclusive but social. Satisfaction in knowledge, in art, in association, in freedom, in service to man, is not diminished but increased when it is shared. Impulses towards these ends began to appear early in the process of human development, but at first had little chance; organization of life, institutions, and the progress of civilization were necessary to give them opportunity and power. The older philosophy of property laid stress upon the importance of property as necessary to the full realization of personality. This corresponded to the fact that at one time private property was not merely an important aspect of the assertion of the self or personality, but also a necessary means to most of the other goods of life. Neither of these is true to the same extent as formerly, and the future is likely to see still further progress along the same direction.

Consider first the intrinsic value of possession, as a psychological activity.

To seize, master, and possess is certainly an instinct inbred by the biological process. It is necessary for life; it is a form of the *Wille zum Leben* or *Wille zur Macht* which need not be despised. At the same time, it is relatively simple. It starts low down in the process of animal evolution. It cannot be compared in rational value with the instinct of workmanship. In itself, it neither beautifies nor ennobles. It is power, but power in brute nakedness and simplicity.

Consider next possession when it is no longer the mere animal instinct, but through expression in a social medium and by a social person it becomes a right of property. This is certainly a far higher capacity; for, like all rights, it involves the assertion of a super-individual personality. It means the controlling of others. In early

society this was, if not the only, at all events the most general and important right. It was therefore of undoubted value in the formation of personality. But democracy has formed new ways for developing the social consciousness and the personality of its members. The responsibility and power for law and government which falls to every citizen directly is sufficient, even if he has little reminder of his capacity of ownership.

But, it may be said, few would place great importance upon bare ownership as such. It is because ownership is a necessary means to so many other goods, that it is itself a necessity for individuality. It is in just this respect that the situation seems to be changing.

Modern man has been in past times largely compelled to own the goods he would enjoy. To sit down on a piece of ground and enjoy a fine landscape, he must own it. If he would have a plot where his children might play, he must own it. If he would travel, he must carry his own lantern, and furnish his own protection from thieves. If he would have water, he must sink his own well. If he would send a letter, he must own or hire a messenger. If he would read a book, he must not merely own the book, but own or hire the author or copyist. If he would educate his children he must own or hire the tutor. In the case of persons living in rural districts, this is still true to some extent. But in the case of urban communities, where the extremes of property distribution are greatest, and the feeling of injustice provoked by them is keenest, progressive democracy is finding and providing through public agencies satisfactions for both bodily and mental wants. Fewer and fewer city dwellers can own a yard or play ground, but the parks are providing for old and young agencies for health and enjoyment. Few can own books, but all may read them. May we not expect that all the arts,—music and drama included,—will be brought within the possibilities of all?

The intellectual life and the means for its gratification are also entering broad paths. The fraternal relation increasingly manifest in the republic of science and letters, is but emblematic of a far deeper socialization of all knowledge. Medical science is finding new avenues of bringing itself to bear upon every member of the community. Campaigns against tuberculosis and diphtheria are allowed to go unhindered by even the fiercest of individualists. The knowledge that frees from superstition and fear is permeating widely. The positive knowledge which gives a sense of power over nature, and makes man free of his world will follow.

The average teacher or preacher has little if any more property than the average wage worker. Yet in spite of the fact that he has

no property, he has less feeling of injustice,—and less reason for it. His life is less meagre, because he can enjoy more of the social goods which civilization brings. This is partly a matter of education. He has wider and more social interests because these were stimulated at the proper time in home or school. The basis for social justice in this sphere of mental goods is therefore an education which shall awaken mental and social interests; the superstructure of justice which we may hope will rise is a satisfaction of these interests by social means.

Three objections to our demand for broader education and fuller social satisfactions may be briefly noticed. The first comes from the optimistic and self-satisfied American who says: Of course education is good, but we have it already—grades, high schools, universities; why speak of this? I speak of it, because, as every one knows who has looked into it, a pitifully small number ever get into the high schools. The subjects and the methods of instruction, due partly to educational narrowness and partly to financial limitations, afford interest to only a part,—and in the case of boys, to an apparently small part. As a Chicago judge is said to have remarked: A boy has to commit a crime before the city will give him a chance for a broad education. With salaries so small that we have almost no men in our teaching force, with the number of pupils to each teacher so large, and with equipment so meagre that proper methods of instruction are impossible, with a curriculum which emphasizes learning so much and doing things so little, with little or no provision for boys and girls of promise whose parents are too poor to keep them in school, we cannot claim to be more than at the beginning of our educational programme. We are only crudely and partially just to the individuals of our society. Some human beings have small capacities for education, but that every boy and girl should be given the opportunity and the needed aid to a development of his capacities through at least the high school age,—this seems a minimum of social justice.

The second objection may come from several sources. From the sincere aristocrat and from the sincere,—though in my judgment narrow,—student. It runs: Most men and women must walk the common paths of life, must do its manual labor and have only the satisfactions of food, shelter, and warmth. To awaken desires for more is to bring misery instead of increasing happiness. The answer to this objection is that it comes too late and in the wrong part of the world. It would be a fatuous policy to attempt to limit men to the sphere of simplest material wants, in which there is least that is social, most that is exclusive; least justice and least hope of

justice. But this cannot be publicly and avowedly attempted. The American people may be careless, may be unconscious how inadequate their justice is, but they will not tolerate a theory which bluntly and openly denies the essence of democracy. They may permit the practical inequality; they will not admit that this should be frankly erected as a principle of justice.

The third objection comes from the orthodox individualist. Such a programme of satisfying wants through social and public agencies, instead of through private property, is paternalism. It leads to demoralization and pauperization. It is better, it is juster, to stimulate the individual's activity and do less for his wants, than to satisfy all his wants at the expense of his activity.

But this assumes, first, that what is done through public agencies is done for the people and not by the people. A democracy can do for itself what an aristocracy may not do for a dependent class. The greatest demoralization which is threatened at the present time is not to those who stand outside, looking hungrily at the board spread by the productive power of associated human invention and industry. It is rather to those who sit over-fed and complacent in the supposition that they themselves have alone created what they enjoy. The danger to democracy itself lies not so much in the effort to awaken and satisfy essentially social interests through the common resources, as in the disposition to appropriate common resources to private property. And here again the American people, more interested as they are in most respects in the stir of the game than in the justice of its awards, have shown that they may resent the use of public agencies for private gain. We conclude this consideration of distributive justice therefore with the hope, springing from what we already glimpse, that the goods which are not private, the goods which are so largely the product of social coöperation, may increase in value and may be the share of every member of society.

It is in the expansion of life along these lines that Plato's suggestive foregleam of a juster, because more social, order is to find interpretation. The social content and power of science, the interchange of material goods not only in commerce but in aid to the suffering, the communication of ideas and sympathy, the coöperation of countless associations to promote common welfare—these are some of the ways in which "things which are by nature private, such as eyes and ears and hands," have become common, "and all men express praise and blame, and feel joy and sorrow, on the same occasions, and the laws unite the city to the utmost."

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